

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

AMJU INTERNATIONAL TANKER LTD.	§	
Plaintiff,	§	C.A. No. _____
v.	§	(ADMIRALTY)
	§	SECTION
	§	
EMPRESA MARITIMA AMERICANA LTD.,	§	MAGISTRATE
Defendant	§	
	§	

MEMORANDUM IN SUPPORT OF MOTION FOR EXPEDITED DISCOVERY

MAY IT PLEASE THE COURT:

This matter is now before the Court on Motion of Plaintiff AMJU INTERNATIONAL TANKER LTD., seeking an Order authorizing Plaintiff to obtain discovery on an expedited basis, for the following reasons: This suit arises out of the breach of a time charter party by Defendant who prematurely redelivered and repudiated its obligation to employ Plaintiff's vessel the "LADY CHIARA" for the agreed upon time chartered term and to pay earned hire and other amounts owed Plaintiff thereunder. This action was filed in order to attach the Defendant's bunkers onboard the M/T URSULA, in aid of arbitration, as is more fully set out in the Verified Original Complaint filed herein. Plaintiff submits upon information and belief that the M/T URSULA is quite likely to sail and leave the jurisdiction of this Court within approximately 24 hours from her coming alongside to commence cargo operations on Monday, November 9,

2009. A twenty-four (24) hour turnaround time is customary in the tanker trade. Indeed, the vessel's scheduled ETD is in the early morning hours of November 11, 2009. As a result, Plaintiff is at risk of losing the opportunity of obtaining evidentiary materials, consisting of a few documents which may be critical to the outcome of this case, if the M/T URSULA sails from the jurisdiction. Accordingly, in an effort to obtain necessary documentation and/or other items prior to the vessel leaving this Court's jurisdiction, and in order to ensure that all evidence is preserved and that Plaintiff will be allowed an opportunity to inspect the relevant evidence, Plaintiff respectfully request that this Honorable Court issue the appropriate Order as permitted by Rule 26(d)(1), allowing Plaintiff to engage in discovery on an expedited basis. For the foregoing reasons, Plaintiff respectfully requests that the present Motion for Expedited Discovery be granted, and Plaintiff be permitted to engage in discovery on an expedited basis to avoid the likely loss of critical evidentiary material, principally documents, which will be put beyond the reach of Plaintiff and this Honorable Court with the sailing of the URSULA from the Southern District of Texas.

Respectfully submitted,

/s/ George A. Gaitas
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